Please type a plus sign (+) inside this box → ☒

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/975,114
	Filing Date	October 11, 2001
	First Named Inventor	Tomonari Ohtsuki
	Group Art Unit	2839
	Examiner Name	Nguyen, Khiem M.
Total Number of Pages in This Submission	Attorney Docket Number	A34699 070793.0139

ENCLOSURES (check all that apply)

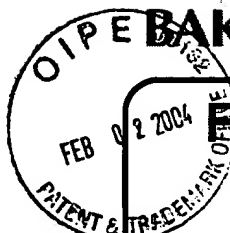
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): See below
Remarks <input checked="" type="checkbox"/>		
1. Copy of Office Action dated January 28, 2004; 2. Transmittal Form; 3. Fee Transmittal Form; 4. Return receipt postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112	
Signature		Att Name: Eric J. Faragi PTO Reg: 51,259
Date	January 28, 2004	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>January 28, 2004</u>		
Typed or printed name	Eric J. Faragi	
Signature		Date January 28, 2004



BAKER BOTTS LLP

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 0

Complete if Known

Application Number	09/975,114
Filing Date	October 11, 2001
First Named Inventor	Tomonari Ohtsuki
Examiner Name	Nguyen, Khiem M.
Group Art Unit	2839
Attorney Docket No.	A34699 070793.0139

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **02-4377**
- Deposit Account Name **Baker Botts LLP**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE			
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee	
330	165	Design filing fee	
510	255	Plant filing fee	
740	370	Reissue filing fee	
160	80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0

2. EXTRA CLAIM FEES			
Total Claims	20 **	= 0	x
Independent Claims	3 **	= 0	x
Multiple Dependent			
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
18	9	Claims in excess of 20	
84	42	Independent claims in excess of 3	
280	140	Multiple dependent claim, if not paid	
84	42	** Reissue independent claims over original patent	
18	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	
1,960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
460	230	Design issue fee	
620	310	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
740	370	For each additional invention to be examined (37 CFR § 1.129(b))	
740	370	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	
Other fee (specify) _____			
SUBTOTAL (3)			(\$ 0

*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Eric J. Faragi	Registration No. (Attorney/Agent)	51,259
Signature	<i>Eric J. Faragi</i>	Telephone	212.408.2591
		Date	January 28, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

BAKER BOTTS LLP

Attorney Docket Number: A34699 070793.0139

Title: ELECTRICAL CONNECTOR



Use Space Below for Additional Information:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,114	10/11/2001	Tomonari Ohtsuki	A34699	8767

21003 7590 08/27/2003

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NGUYEN, KHIEM M

ART UNIT

PAPER NUMBER

2839

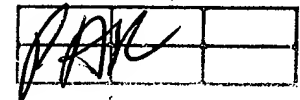
DATE MAILED: 08/27/2003

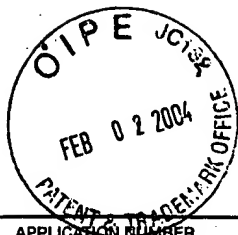
Please find below and/or attached an Office communication concerning this application or proceeding.

BAKER BOTTS L.L.P.

Sept 3
03 AUG 2004 AM 9:50

TO





UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/975114

10/11/01

OHTEUKI

EXAMINER

ART UNIT	PAPER NUMBER
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5

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12/18/02.

☐ A reply (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

☒ No reply has been received.

☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.

☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____ The publication fee, if required by 37 CFR 1.18(d), is \$ _____.

☐ The issue fee and publication fee, if applicable, has not been received.

☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.

☐ No proposed new formal drawings have been received.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

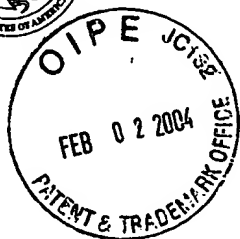
☐ The reason(s) below:

Khiem Nguyen
KHIEM NGUYEN
PRIMARY EXAMINER

*U.S. GPO: 2000-472-999/43202



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BAKER BOTTS L.L.P.

04 JAN 19 2004

BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, New York 10112-4498

JAN - 7 2004
TO
JAN - 7 2004
EF

In re Application of
OHTSUKI et al
Application No. 09/975,114
Filed: October 11, 2001
Attorney Docket No. A34699

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.181, filed September 15, 2003, to withdraw the holding of abandonment of the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to respond to the non-final Office action within the shortened statutory period of three months from the mailing date of December 18, 2002. The application became abandoned on March 18, 2002 by operation of law.

Petitioner states that the non-final Office action was never received by applicant's representative and attests to the fact that a search of the file jacket and docket records indicates that the non-final Office action was not received. The petition is accompanied by a copy of the docket record for March 18, 2003 and June 18, 2003, the three and six month dates from the non-final Office action mailing date.

Pursuant to M.P.E.P. §711.03(c), it is the petitioner's burden to demonstrate that the non-final Office action was not in fact received at the correspondence address of record at the time it was mailed. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been received had it been received and docketed must be attached to and referenced in the practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. §711.03(c).

Docketed
For 317 2004 by

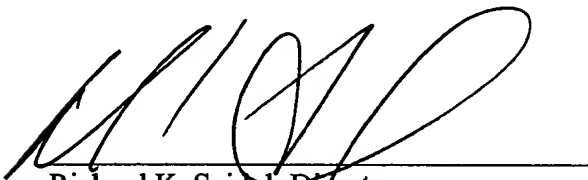
The docket record for March 18, 2003 and June 18, 2003 needs further explanation. Petitioner has not stated that the docket records for March 18, 2003 and June 18, 2003 are where the non-received Office action would have been entered had it been received and docketed.

The requirement that a copy of the docket record where the non-received Office action would have been entered had it been received and docketed be submitted and referenced in petitioner's statement as set forth in M.P.E.P. § 711.03(c) does not appear to be complied with.

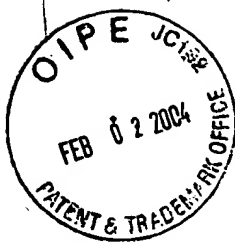
Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision.

Questions regarding this decision should be directed to Jose' G. Dees at (703) 308-4628.

571 272 1569

A handwritten signature in black ink, appearing to read 'R. Seidel', is written over a horizontal line.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



9200/2839
Attorney Docket No. A34699 070793.0139
Serial No. 09/975,114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ohtsuki, Tomonari
Serial No. : 09/975,114 Examiner : Nguyen, Khiem M.
Filed : October 11, 2001 Group Art Unit: 2839
For : ELECTRICAL CONNECTOR

**REQUEST FOR RECONSIDERATION ON PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

I hereby certify that this paper is being deposited with the United States
Postal Service as first class mail in an envelope addressed to Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

January 28, 2004
Date of Deposit

Eric J. Faragi
Agent Name

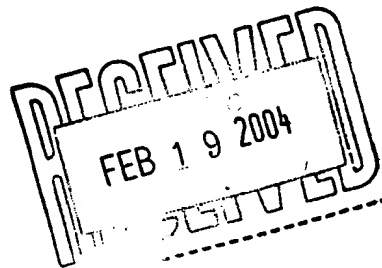
Eric J. Faragi
Signature

51,259
PTO Reg. No.

January 28, 2004
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:



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TECHNOLOGY CENTER 2800

On September 3, 2003, Attorneys for Applicant received a Notice of Abandonment for the failure to file a response to an Office Action dated December 18, 2002. A true and correct copy of the Notice of Abandonment is attached hereto.

Applicant's attorneys of record, Baker Botts LLP, however, never received a copy of the Office Action, and as such, could not reply to it. A search of the file jacket and docket records indicates that the Office communication was not received.

In accordance with M.P.E.P. § 711.03(c) "Petition to withdraw holding of abandonment based on failure to receive office action," Applicant submits it never received the Office Action that was mailed on December 18, 2002 and therefore cannot respond to it.

Applicant's attorney sent a status letter to the Patent Office on July 9, 2003, stating that "our periodic docket check indicates that to date we have not received an Office Action in the above-referenced application." The stamp of the Patent Office Mailroom was dated July 14, 2003 on the return postcard.

A copy of the docket record for Paul Ragusa, the attorney of record in the instant application, for March 18, 2003 and June 18, 2003, the three and six month dates from the Office Action mailing date is enclosed herewith. The docket record shows no entry for the above-referenced application.

Applicant's attorney filed a petition to withdraw the holding of abandonment based on the aforementioned facts. The Patent Office dismissed the petition on January 7, 2004 because the docket record needed further explanation. Applicant now offers further explanation and respectfully requests reconsideration of the petition.

The docket record enclosed (previously and herewith), shows the files with actions due on March 18, 2003 and June 18, 2003 for Paul Ragusa, the attorney of record in the instant application. Thus, if the Office Action were received and docketed by Baker Botts LLP, the docket records for March 18, 2003 and June 18, 2003 are where the non-received Office Action would have been entered.

Applicant requests the holding of Abandonment of the application be withdrawn and a copy of the Office Action, redated to the mailing date of the Patent Office's response to this communication, to be resent.

Applicant does not believe that any fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,
BAKER BOTTS L.L.P.

By: Eric J. Faragi
Paul A. Ragusa
Patent Office Reg. No. 38,587
Attorneys for Applicants

Eric J. Faragi
Patent Office Reg. No. 51,259
Agent for Applicants

30 Rockefeller Plaza
New York, NY 10012-4498
212-408-2500